

REMARKS

Claims 1-18 are pending in the present application.

Restriction Requirement:

The Examiner has required restriction between Groups I – VI as set forth on pages 2-3 of the Office Action.

Applicants elect with traverse, Groups I, Claims 1-7, 15, 16 and 18, drawn to a peptide derived from HCV comprising an HLA-binding motif.

The Examiner has alleged that the claims of Group I-Group VI do not satisfy Unity of Invention requirements since they lack the same or corresponding special technical feature that defines over the prior art. Specifically, the Examiner alleges that PCT Publication No. 1994/20127 discloses an HCV immunogenic peptide with HLA-A2 binding motifs. Applicants disagree that PCT Publication No. 1994/20127 renders the presently claimed invention either anticipated or obvious. Further, if required, Applicants may amend the claims of all of the groups to define over any cited reference. This cannot thus form the basis for a denial of unity of invention of the presently claimed subject matter. In addition, there is no evidence that examination of Groups I-VI represents any undue administrative burden for the Examiner. As such, the Unity of Invention rejection is traversed.

The Examiner is additionally reminded that because the present Restriction is between a product and its process of use, where Applicants elect claims directed to the product, and a product is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claims will be rejoined in accordance with the provisions of M.P.E.P. § 821.04. Such process claims that depend from or otherwise include all the limitations of the patentable product are entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Furthermore, in the event of rejoinder, Applicants understand that the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined

process claims must be fully examined for patentability according to the provisions of 37 C.F.R. § 1.104.

Election of Species Requirement:

The Examiner has further required an Election of Species between the Species identified on page 3 of the Office Action.

**Applicants elect the following Species with traverse: SEQ ID NO: 2 and HLA-A24.
Claims 1-18 read on the elected Species.**

Applicants traverse on the grounds that it would not be an undue burden on the Examiner to perform a search of all species encompassed by the present claims.

Further, Applicants are aware that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or that otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

According to US practice, Applicants understand that they must elect a single species for further prosecution. However, once the Examiner finds allowable subject matter based upon the single species elected, the Examiner is required to then expand the search to include a reasonable number of additional species, *see* M.P.E.P. at § 809.02.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, PhD, Registration No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated:

Respectfully submitted,

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